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OFFICE OF PETITIONS

DAVID ANDREW D'ZMURA
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BORREGO SPRINGS, CA 92004-1845

In re Patent of D'Zmura :
Patent No. 6,776,618 :
Issue Date: August 17, 2004 : Decision on Petition
Application No. 09/849,582 :
Filing Date: May 5, 2001 :
For: Method of Determining Zodiac Signs :

This a decision in response to the petition filed February 7, 2011, which is being treated as a petition under 37 C.F.R. § 1.181.

The petition is **dismissed**.

Background

A single petition was filed on June 25, 2010. The petition pertained to the following five patents:

1. Patent No. 7,083,415,
2. Patent No. 6,974,325,
3. Patent No. 7,236,952,
4. Patent No. 6,776,618, and
5. Patent No. 7,195,488.

As a courtesy, the Office placed a copy of the petition in the file for each of the five patents.

The first page of the June 25, 2010 petition included the language, "Petition to the Director, under 1.181(a) Due to No Fault of My Own."

The June 25, 2010 petition requested the Office:

1. Issue duplicate letters patent for all of Petitioner's patents,
2. Withdraw the holding of abandonment for all of Petitioner's abandoned divisional and provisional applications, and
3. "Advise the US Dept. Commerce, US Treasury and Executive Cabinet to License ... my Intangible Wealth."

The Office believed Petitioner's requests for issuance of duplicate letters patent without requiring payment of any fee fell within the scope of 37 C.F.R. §§ 1.182 and 1.183. As a result, the Office treated the petition as a petition under 37 C.F.R. § 1.182 and a petition under 37 C.F.R. § 1.183.

On December 10, 2010, the Office mailed decisions dismissing the petitions. A separate decision was mailed for each of the five patents.

Although portions of the instant petition are not legible, the petition appears to be requesting the Office consider Petitioner's request for duplicate letters patent under 37 C.F.R. § 1.181(a).

Discussion

Pursuant to 37 C.F.R. § 1.181(a)(3), a party may file a petition “[t]o invoke the supervisory authority of the Director in appropriate circumstances.” In essence, the petition allows one, in appropriate circumstances, to have the Office review the propriety of an action taken by an Office employee.

Petitioner is not seeking for the Office to review the propriety of an action taken by an Office employee. Instead, Petitioner is seeking to have the Office issue duplicate letters patent. Therefore, relief is not warranted under 37 C.F.R. § 1.181(a)(3).

The prior decision informed Petitioner a petition under 37 C.F.R. § 1.182 must be filed in order to obtain duplicate letters patent. The decision also stated such a petition must either establish the original letters patent were never received or include a \$400 petition fee.

Petitioner has not asserted the original letters patent were never received or submitted the required \$400 petition fee. Therefore, the request for issuance of duplicate letters patent is dismissed.

The prior decision indicated Petitioner should *not* file a single petition pertaining to multiple patents in the future. Specifically, the decision stated, with emphasis in the original,

When a party wishes to address an issue involving more than one application or patent, a separate petition must be filed in each of the applications or patents. As a courtesy, the Office has taken steps resulting in a copy of the petition being placed in each of the patent files. However, if Petitioner wishes to request reconsideration of more than one of the decisions, a separate request must be filed for each patent.

Petitioner appears to have filed one copy of the instant petition even though it pertains to five patents. As a courtesy, the Office has placed copies of the petition into each of the five files. However, if Petitioner files a request for reconsideration of the instant decision, Petitioner must file a separate copy of the request for each of the patents.

As discussed in the prior decision, the requirement for separate petitions to be filed different cases also applies to petitions pertaining to applications which have not issued as a patent. For

example, if Petitioner wishes to argue the holding of abandonment should be withdrawn for more than one of Petitioner's applications, a separate petition to withdraw the holding of abandonment must be filed in each application.

The Office strongly recommends any documents Petitioner files with the Office in the future be accompanied by a cover letter clearly and prominently identifying, at a minimum, the application number, the application's filing date, and the title of the invention. Such a cover letter will help the Office ensure the documents are matched with the proper file. A copy of a form which may be used as the cover letter is enclosed.

Further correspondence with respect to this matter may be submitted as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
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Office of Petitions

Enclosure: Form PTO/SB/21